

**FISCAL MEMORANDUM**  
**SB 202 – HB 729**

April 26, 2007

**SUMMARY OF AMENDMENT (007183):** Deletes original bill in its entirety. Creates a Class E felony to knowingly employ an illegal alien. Creates a Class D felony to knowingly encourage or induce an illegal alien to come to Tennessee for the purpose of hiring such person. Offenses are punishable by fine only.

FISCAL IMPACT OF ORIGINAL BILL:

*MINIMAL*

**FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:**

**Unchanged from original fiscal note.**

Assumption applied to amendment:

- The penalties imposed by this bill are pre-empted by federal law, 8 U.S.C. § 1324a(h)(2), which provides: "The provisions of this section preempt any State or local law imposing civil or criminal sanctions (other than through licensing and similar laws) upon those who employ, or recruit or refer for a fee for employment, unauthorized aliens." The penalties therefore cannot be enforced and there will be no incarceration costs associated with enactment.

**CERTIFICATION:**

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.



James W. White, Executive Director

/LSC